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EXAMINER	
WANG, JIN CHENG	

ART UNIT	PAPER NUMBER
2672	14

DATE MAILED: 12/03/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/864,107	Applicant(s) VAN LIERE, FILIPS
	Examiner Jin-Cheng Wang	Art Unit 2672

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *06 November 2003*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-19* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-19* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☒ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

13)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

a) ☐ The translation of the foreign language provisional application has been received.

14)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ .
4) ☐ Interview Summary (PTO-413) Paper No(s). _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: .

DETAILED ACTION

Response to Amendment

The amendment filed on 11/06/2003 has been entered. Claims 1 and 10 have been amended. Claims 1-19 are pending in the application.

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

1. Claim 1-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Echerer et al. U.S. Pat. No. 5,740,267 (hereinafter Echerer) in view of Cable U.S. Pat. No. 6,614,452 (hereinafter Cable).

2. Claim 1:

(a) Echerer teaches a method for providing and processing a cursored user interaction (column 8, lines 37-67, column 9, lines 1-23) with a spatially displayed medical image (column 7, lines 21-29) and producing graphics related data on said medical image (column 12, lines 42-56), wherein said method comprises the steps of:

Controlling a mouse computer interface device, having at least one button (e.g., column 12, lines 20-30; column 13, lines 25-50);

Displaying a pointer symbol on said graphical interface, wherein said pointer symbol (e.g., a cursor) represents a current position of said mouse on said graphical interface (e.g., column 8, lines 35-55; column 12, lines 20-30; column 13, lines 25-50);

Tracking a status of each of said at least one button (e.g., column 12, lines 20-30; column 13, lines 25-50);

Detecting a position of said mouse, wherein said position detection step is activated upon actuation of one of the at least one button (e.g., column 12, lines 20-30; column 13, lines 25-50; column 15, lines 15-35); and

(b) However Echerer lacks full disclosure of the claim limitation of providing a menu-less graphical interface for displaying, essentially unobstructed, said medical image in a substantial portion of said menu-less graphical interface and generating a measurement graphic related to a predefined set of measurement operations on said medical image upon at least one actuation of the at least one button.

(c) Cable teaches the claim limitation of providing a menu-less graphical interface for displaying, essentially unobstructed, said medical image in a substantial portion of said menu-less graphical interface (e.g., column 8, lines 5-50) and generating a measurement graphic related to a predefined set of measurement operations on said medical image upon at least one actuation of the at least one button (e.g., figure 3A; column 8, lines 5-67).

(d) It would have been obvious to one of ordinary skill in the art to have incorporated the Cable's drawing options into Echerer's method of processing cursored user interaction because Echerer implicitly suggests providing a menu-less graphical interface for display said medical image (e.g., column 12, lines 20-30; column 13, lines 25-50) and providing a predefined

interaction with said medical image, wherein said interaction is selected from a group of predefined interactions based on said status of each of said at least one button during the interval between multiple said position detection steps (e.g., column 16, lines 15-67; column 17, lines 1-67; column 18, lines 1-64) therefore suggesting an obvious modification of the Echerer's method for processing a radiograph. Moreover, Cable teaches a variety of drawing options and GUI controls including the free-hand drawing option and pop-up menu designation (Cable column 8, lines 5-67).

(e) One having the ordinary skill in the art would have been motivated to do this because it would have provided an alternative drawing option such as the free-hand drawing option that does not rely on the menus for GUI control (Cable column 8, lines 5-67).

Claim 2:

The claim 2 encompasses the same scope of invention as that of claim 1 except additional claimed limitation that a single-point actuating/positioning assigns an actual pixel position and/or a pixel intensity quantity to the point in question. However, Echerer/Cable further discloses the claimed limitation that a single-point actuating/positioning assigns an actual pixel position and/or a pixel intensity quantity to the point in question (e.g., Echerer column 12, lines 42-56; Cable column 12, lines 35-50).

Claim 3:

The claim 3 encompasses the same scope of invention as that of claim 1 except additional claimed limitation that a point pair actuating/positioning assigns a distance value to the pair in

question. However, Echerer further discloses the claimed limitation that a point pair actuating/positioning assigns a distance value to the pair in question (e.g., column 13, lines 12-49, column 15, lines 9-11).

Claim 4:

The claim 4 encompasses the same scope of invention as that of claim 1 except additional claimed limitation that a triple-point actuating/positioning assigns an angle value quantity to a middle point of the triple. However, Echerer further discloses the claimed limitation that a triple-point actuating/positioning assigns an angle value quantity to a middle point of the triple (column 15, lines 12-19).

3. Claims 10-13:

The claim 10, 11, 12, 13 encompasses the same scope of invention as that of claim 1, 2, 3, 4 respectively except additional claimed limitation of "an apparatus". However, Echerer further discloses the claimed limitation of "an apparatus" (column 5, lines 12-37).

Claim 19:

The claim 19 encompasses the same scope of invention as that of claim 1 except additional claimed limitation of a machine-readable computer program. However, Echerer further discloses the claimed limitation of "a machine-readable computer program (column 9, lines 30-36, figures 6-9).

4. Claim 5:

The claim 5 encompasses the same scope of invention as that of claim 1 except additional claimed limitation that "multiple-point actuating/positioning for an open or closed point

sequence assigns an area value quantity to a concave region delimited by the sequence in question". However, Cable further discloses the claim limitation of multiple-point actuating/positioning for an open or closed point sequence assigns an area value quantity to a concave region delimited by the sequence in question (Cable column 8, lines 5-67).

5. Claim 6:

The claim 6 encompasses the same scope of invention as that of claim 1 except additional claimed limitation that "a freehand-drawn actuating/positioning for an open or closed point sequence assigns an area value quantity to a concave region delimited by the sequence in question". However, Cable further discloses the claim limitation of a freehand-drawn actuating/positioning for an open or closed point sequence assigns an area value quantity to a concave region delimited by the sequence in question (Cable column 8, lines 5-67).

6. Claim 7:

The claim 7 encompasses the same scope of invention as that of claim 1 except additional claimed limitation of "a multiple-point actuating/positioning for an open or closed point sequence assigns a poly-line measurement quantity to the sequence so drawn". However, Cable further discloses the claim limitation of a multiple-point actuating/positioning for an open or closed point sequence assigns a poly-line measurement quantity to the sequence so drawn (Cable column 8, lines 5-67).

7. Claim 8:

The claim 8 encompasses the same scope of invention as that of claim 1 except additional claimed limitation of "for an open or closed point sequence assigns a poly-line measurement

quantity to the sequence so drawn". However, Cable further discloses the claim limitation of a freehand-drawn actuating/positioning for an open or closed point sequence assigns a poly-line measurement quantity to the sequence so drawn (Cable column 8, lines 5-67).

8. Claim 9:

The claim 9 encompasses the same scope of invention as that of any of Claims 2 to 8 except additional claimed limitation of assigning a pixel staticizing to an assigned geometrical entity. However, Echerer further discloses the claimed limitation of assigning a pixel staticizing to an assigned geometrical entity (column 9, lines 1-23, column 15, lines 9-11).

9. Claims 14-18:

The claim 14, 15, 16, 17, 18 encompasses the same scope of invention as that of claim 5, 6, 7, 8, 9 except additional claimed limitation of "an apparatus". However, Echerer further discloses the claimed limitation of "an apparatus" (column 5, lines 12-37).

Remarks

10. Applicant's arguments, filed 11/06/2003, paper number 13, have been fully considered but they are not deemed to be persuasive.

11. Applicant argues in essence with respect to the amended claim 1 and similar claims that:

"Echerer et al. discloses an interface whrein a significant portion of the interface is comprised of patient information, menu boxes, and buttons, as shown in the preferred embodiment illustrated in FIG. 1 and further disclosed in the specification, reciting: 'in a preferred embodiment, a variety of controls (buttons, slides, and adjustment tools...) are

displayed on one portion of the monitor.' (column 10, lines 2-5), thus teaching away from Applicant's claimed invention of providing a menu-less graphical interface for displaying, essentially unobstructed, said medical image in a substantial portion of said menu-less graphical interface... Further, Echerer et al. does not disclose generating a measurement graphic in a menu-less graphical user interface as recited in Applicant's Claims 1, 10 and 19."

This is not found persuasive because Echerer combined with Cable teaches the claimed invention as claimed in the amended claim 1. Cable teaches a freehand-drawn actuating/positioning tool for generating GUI controls and for generating a measurement graphic in a menu-less graphical user interface (See Cable column 8, lines 5-67).

Therefore, Echerer/Cable fulfills the amended claim 1 as currently drafted.

Conclusion

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jin-Cheng Wang whose telephone number is (703) 605-1213. The examiner can normally be reached on 8:00 AM - 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mike Razavi can be reached on (703) 305-4713. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 308-6606 for regular communications and (703) 308-6606 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 395-3900.

jcw
November 25, 2003

MICHAEL RAZAVI
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600